

JUN 21 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re the application of: Smith *et al.*

Docket: TI-22782B

Appl. No.: 09/757,073

Examiner: E. Cameron

Filed: 1/8/01

Art Unit: 1762

For: Polyol-Based Method For Forming Thin Film Aerogels On Semiconductor Substrates

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

June 21, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FACSIMILE CERTIFICATE	
I hereby certify that this correspondence is being transmitted by Facsimile to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6d on	
<u>June 21</u>	<u>2004</u>
<u>Tina Smith</u>	

Examiner:

Petitioner, Texas Instruments Incorporated, a Delaware Corporation having a place of business at 7839 Churchill Way, MS 3999, Dallas, Texas 75251; P.O. Box 655474, MS 3999, Dallas, Texas 75265, is the owner of 100 percent interest in the instant application having Serial No. 09/757,073 and as shown by the Assignment recorded at Reel 8607, Frame 0365. Petitioner hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patents No. 5,807,607, 5,955,140 and 5,736,425. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any prior patent, as presently shortened by any terminal disclaimer, in the event that one or more later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed the evidentiary document(s) listed above and certifies that to the best of his knowledge and belief, title is in the assignee seeking to take the action stated above.

Please charge the required fee to the deposit account of Texas Instruments Incorporated, Account No. 20-0668.

Respectfully submitted,



David Denker
Reg. No. 40,987

Texas Instruments Incorporated
P. O. Box 655474, MS 3999
Dallas, Texas 75265
(972) 917-4388
Fax (972) 917-4418